UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/1039
9 September 1994

ORIGINAL: ENGLISH

REPORT OF THE SECURITY COUNCIL MISSION TO BURUNDI ON 13 AND 14 AUGUST 1994

Letter of transmittal

Letter dated 7 September 1994 from the members of the Security Council Mission to Burundi addressed to the President of the Security Council

We have the honour to transmit herewith the report of the Security Council's fact-finding mission to Burundi, which took place on 13 and 14 August 1994. The report is submitted to the Security Council in accordance with a decision taken by the Council during informal consultations on 11 August 1994.

(Signed) Karel KOVANDA (Czech Republic)

(Signed) Ibrahim A. GAMBARI (Nigeria)
(Chairman)

(Signed) Vasiliy S. SIDOROV (Russian Federation)

(Signed) Karl F. INDERFURTH (United States of America)

I. INTRODUCTION

1. On 11 August 1994, the Security Council, in informal consultations, decided that members of its mission to Mozambique should proceed to Burundi for a two-day fact-finding mission. The mission arrived at Bujumbura in the morning of 13 August 1994.

2. The mission was led by Mr. Ibrahim A. Gambari, Permanent Representative of Nigeria to the United Nations. Members of the mission were Mr. Karel Kovanda (Czech Republic), Mr. Vasiliy S. Sidorov (Russian Federation) and Mr. Karl F. Inderfurth (United States of America).

3. The mission held very useful meetings with most of the important leaders of the country, as well as with heads of political parties and members of the diplomatic corps. Meetings were also held with representatives of non-governmental organizations and with other dignitaries (see annex I). Members of the mission remained in close contact and consultation with the Special Representative of the Secretary-General for Burundi, Mr. Ahmedou Ould-Abdallah.

4. The members of the mission would like to express their appreciation and gratitude to the Special Representative of the Secretary-General and his staff for the valuable assistance rendered to them during the visit to Bujumbura, as well as to the Special Representative of the Secretary-General for Mozambique, Mr. Aldo Ajello, for having provided an aircraft for travel to and from Burundi.

II. BACKGROUND TO THE CRISIS

5. Since independence on 1 July 1962, Burundi has witnessed a series of political and ethnic upheavals which have resulted in hundreds of thousands of deaths and very large numbers of refugees. In October 1966, King Ntare V was overthrown, ending the monarchy and the King's system of appointing alternately Hutu and Tutsi prime ministers. Colonel Michel Micombero took power and consolidated Tutsi control over the Government and the army. An estimated 100,000 people, mainly Hutu, were killed in massacres in 1972. In November 1976, Micombero was ousted by Colonel Jean-Baptiste Bagaza, whose 1977 land reforms considerably weakened the traditional Tutsi-dominated feudal structure. In September 1987, Colonel Bagaza was overthrown in a bloodless coup d'état led by Major Pierre Buyoya. A year later, a Hutu revolt broke out in the north of the country leaving about 20,000 people dead by the time the army restored calm.

6. In the early 1990s, a process of democratization began in Burundi. The first multi-party elections took place on 1 June 1993. Mr. Melchior Ndadaye, a Hutu and President of the Front pour la démocratie au Burundi (FRODEBU), obtained some 65 per cent of the vote and thus became the first democratically elected president of the country. On 21 October 1993, President Ndadaye was killed by renegade troops of the Tutsi-dominated army during a failed coup d'état. Other public figures were also murdered. It is estimated that

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during the coup attempt and its aftermath at least 50,000 persons, Hutu and Tutsi, were killed.

7. President Cyprien Ntaryamira, his successor, was elected by the Parliament of Burundi in January 1994. He was killed on 6 April 1994, together with the President of Rwanda, Juvénal Habyarimana, when the plane they were travelling in crashed after a rocket attack near Kigali airport. Both were returning from a regional peace conference held in the United Republic of Tanzania. Following the tragic events, the Constitutional Court of Burundi declared Mr. Ntaryamira's election unconstitutional because he was not elected by popular vote. In accordance with the Constitution, the speaker of the Parliament of Burundi, Sylvestre Ntibantunganya, became Interim President.

8. The constitutional problem facing Burundi's leadership was to protect the results of the June 1993 elections without having to organize new popular elections, which would have been not only very costly but also ill-timed taking into consideration the turmoil that followed the October 1993 coup attempt. Negotiations to resolve the issue of the presidential succession and to introduce institutional reform started on 30 May 1994. On 11 July 1994, a day before the official deadline and with no hope for an agreement on the presidential succession, the Constitutional Court of Burundi extended for three months the interim period.

9. The long history of political turmoil in Burundi has been characterized by large-scale ethnic strife between the Hutu majority, comprising some 85 per cent of the population, and the Tutsi minority, traditionally holding most of the senior positions in the State administration, the army, education and business. Even today, it is estimated that between 90 and 95 per cent of the security forces is composed of Tutsi. Mr. Ndadaye was the first Hutu president in the history of Burundi.

III. ACTION BY THE SECURITY COUNCIL

10. On 25 October 1993, the Security Council deeply regretted and strongly condemned the acts of violence and the loss of life caused by the perpetrators of the military coup. It demanded that they desist forthwith from taking any action that would exacerbate tension and plunge the country into more violence and bloodshed, which could have serious implications for peace and stability in the region. The Council demanded, among other things, that all acts of violence be ceased, the whereabouts and fate of government officials be revealed, and all prisoners released, with a view to immediately reinstituting democracy and constitutional rule in Burundi. It was the view of the Council that those responsible for the violent death of the President and of members of the Government of Burundi, and for other acts of violence, should be brought to justice (S/26631).

11. The Security Council requested the Secretary-General to monitor and closely follow the situation in Burundi, in association with the Organization of African Unity (OAU). Appreciation was expressed for the dispatch of his Special Envoy, Mr. James Jonah, who visited Burundi from 27 to 29 October 1993. The Council was briefed on the outcome of the Special Envoy's mission during informal

consultations and by a letter from the Secretary-General dated 2 November 1993 (S/26745).

12. On 16 November 1993, the Security Council reiterated its condemnation of the abrupt and violent interruption of the democratic process initiated in Burundi and demanded the immediate cessation of acts of violence. It welcomed the appointment by the Secretary-General of a Special Representative for Burundi, and authorized the dispatch of a small United Nations team to Burundi for fact-finding and advice with a view to facilitating the efforts of the Government of Burundi and OAU to restore democratic institutions, rebuild confidence and stabilize the situation (S/26757).

13. Following the relative stabilization of the political situation in the country, including the resumption of the work of the legislature and the appointment of President Ntaryamira in January 1994, the Secretary-General initiated action to establish a fact-finding team which, inter alia, was also expected to conduct an investigation of the attempted October 1993 coup d'état and the subsequent massacres. The preparatory fact-finding mission, composed of Mr. Siméon Aké (Côte d'Ivoire) and Mr. Martin Huslid (Norway), took place from 22 March to 20 April 1994. The report of the mission was transmitted to the Secretary-General on 24 May 1994, but, to date, has not been made public or shared with the Security Council.

14. The tragic events in Rwanda did not fail to have a negative impact in neighbouring Burundi. Following reports that the situation in the country was rapidly deteriorating, the Security Council, on 29 July 1994, supported the political dialogue in Burundi aimed at reaching an early agreement on the presidential succession. It called on all parties to reach rapidly a settlement based on democratic principles, and condemned those extremist elements who continued to reject negotiations and sought to block progress towards a peaceful solution. The Council demanded that all parties cease immediately any incitement to violence or ethnic hatred (S/PRST/1994/38).

IV. OBSERVATIONS OF THE MISSION

15. The fact-finding mission of the Security Council to Burundi focused its attention on three major issues: the political, security and humanitarian situations.

A. Political situation

16. There is an urgent need to resolve the question of the nomination of a definitive president. On 12 August 1994, an agreement was reached between the political parties supporting the Interim President (the Majority) and the political parties united in the mainly Tutsi opposition to the Majority (the Opposition), according to which the negotiations on the presidential succession would be completed by 26 August 1994 or shortly thereafter. The selection of a president would become an essential stabilizing factor in Burundi. However, while the Majority preferred an executive with strong powers, the Opposition sought to limit the prerogatives of the head of State. One of the main points

of disagreement remains, indeed, the procedure of reaching decisions at the State level, since the Opposition insists that it should be given a virtual veto power on all major decisions.

17. At present, extremist elements within the Majority and the Opposition are playing a destabilizing and negative role. As a result of their influence and action, serious civil unrest situations have developed, resulting in death and destruction of property. Various campaigns carried out by extremists, the latest being known as the "dead city" campaign, have not only contributed to a deterioration of the situation in Burundi, but also to the further delay of the negotiations.

18. The extremists' counter-productive actions are causing serious concern among moderates within the Majority and the Opposition who favour isolating them. Although the Majority does not feel that extremist elements compose the bulk of the Opposition, it is allegedly these who would occupy leading posts in it. On the other hand, the Opposition accuses prominent figures of the Majority of not being able to solve the problems of the country and of preparing for war against the Tutsi minority.

19. The absence of a democratic tradition in Burundi and the unwillingness to seek compromises has also rendered more difficult the task of those who are actively seeking a successful conclusion to the negotiations. There is indeed the urgent need to strengthen the democratic institutions in the country in order to enable a sound and stable Burundi to weather any future political crisis.

20. Government administration in Burundi virtually collapsed after the October 1993 coup d'état. Although some kind of power-sharing agreement had been reached at the beginning of July 1994 in the negotiations on the territorial administration of Burundi, there is basically none existent outside Bujumbura in the countryside. It remains divided along ethnic lines. Currently, the Opposition is supposed to administer Bujumbura and six other provinces, while the Majority kept nine provinces under their administrative control. Repeated killings of or violence against administrators and their structures remain a major obstacle to the reconciliation and democratization process.

21. Military leaders of Burundi maintain that the army is the most stable, and a "positively neutral", institution in the current political environment in the country. They are ready to give advice to politicians if needed. The military is aware that within their rank and file certain elements favour extremist political views. Almost 70 per cent of the military personnel had relatives who were killed during periods of ethnic strife.

22. While the military and the Opposition expressed the view that the army was able to ensure the security of the country, the Majority argued that the army is inextricably associated with the Tutsi ethnic minority. Therefore, it favoured a basic military reform and reorganization of the armed forces so that they would acquire a true national character. According to government officials and foreign diplomats, the reform of the armed forces is an extremely sensitive

issue. Any attempts to promote rapid and radical reform within the armed forces could have destabilizing effects and ominous consequences.

23. The Majority and the Opposition felt positive about the United Nations and OAU presence in the country; however, different perceptions continue to exist regarding the scope of their operations. While some members of the current Government indicated the need to strengthen urgently the OAU presence in Burundi with additional military observers who could monitor the armed forces, the military leaders, including Burundi's Minister of National Defence, emphasized that the current size of the OAU mission in the country was sufficient.

24. At the time of the mission's visit, imprecise news agency reports indicated the possibility of a United Nations military presence in Burundi. These reports provoked different reactions from the Majority and the Opposition. Representatives of the Opposition expressed strong sentiment against it and stated that a deployment of foreign troops in Burundi would be regarded as an aggression by the country's military and receive the appropriate response. Therefore, any international presence in Burundi should be limited to a humanitarian role. Representatives of the Majority, cognizant of the Opposition's probable reaction, were cautious on the military presence but open to a larger involvement of the international community in Burundi. Some of their leaders clearly favoured military personnel involvement in the defence of Burundi's democratic institutions.

B. Security conditions

25. Insecurity and a general breakdown of law and order characterize the security situation throughout the country. Rumours of impending coups have circulated in Bujumbura on a regular basis. As a consequence, Burundi's capital has remained tense and many foreign residents have chosen to leave the country. Repeatedly, the military has been called in to resolve security problems. The Interim President has invested time and energy in calling for calm, and has encouraged displaced persons to return to their homes. Transborder broadcasts from Rwanda inciting ethnic hatred have had dire consequences for the security situation in Burundi. In addition, ethnically-motivated crime and other serious violations of the law often remain unpunished. Criminal activities have increased and there are a number of organized criminal groups operating in the country.

26. In this context, it was stressed that impunity from justice is one of the most serious problems Burundi is facing. The judicial system has virtually ceased to exist in most of the country. The absence of a functioning judicial system is a serious impediment to progress in political negotiations and to easing political and ethnic tensions. The delay in efforts to bring to justice the perpetrators of the violence during the October 1993 coup d'état and its aftermath and the virtual state of impunity for criminal acts are lowering the barriers to criminal conduct, including that of political extremists, and affecting both ethnic communities. The general feeling that might is right and that power is exerted through the barrel of a gun has to be countered by measures aimed at strengthening law and order and reviving the appropriate

judicial institutions in the country. The international community has been requested to assist in reforming the collapsed judicial system in Burundi.

27. A matter of serious concern was the transborder refugee flow and the existence of large numbers of internally displaced persons. These include thousands of refugees from Burundi who had fled to Rwanda in the aftermath of the October 1993 events and have now returned to Burundi because of the crisis in Rwanda. They also include those Rwandese who were fleeing either the massacres or the advancing Rwandese Patriotic Front (RPF) forces, and those currently fleeing from the former humanitarian protected zone into northern Burundi after the withdrawal of "Operation Turquoise". It includes further long-term refugees returning to Rwanda from Burundi. These massive population movements have a clearly negative impact on the prevailing security situation in the country.

28. Occasional clashes between refugees, displaced persons and residents have been reported, particularly in the northern provinces of Burundi. The presence of armed elements of the interhamwe militia and former soldiers of the Rwandese government forces among the refugees and along the Burundi border, as well as in camps located in the territory of Zaire, has further aggravated the security situation. Burundi's military leaders insist that the Government of Zaire should disarm elements of the former Rwandese government forces in its territory and move them away from the border with Burundi.

29. The existence of armed activist groups, some of them heavily politicized, some anarchist, independent or just criminal, and some opposed to the national army, which is perceived as a Tutsi army, also affects the security situation. While armed Hutu groups were perceived by the Tutsi minority as a threat to their very survival, Hutu extremists saw them as a way to protect themselves from the army. Although the Government undertook some successful initiatives to disarm such groups, suspicion and mistrust remain. In addition, the Opposition still alleges that the presidential coalition is supplying arms to pro-Majority, paramilitary units operating inside the country, while the Majority suspects that the Opposition is obtaining weapons from RPF in Rwanda.

30. For the first time in many years, foreigners have become the target of attacks. On 13 August 1994, a field worker of the Office of the United Nations High Commissioner for Refugees (UNHCR) was killed in the northern part of the country. The diplomatic community and their properties in Bujumbura have become the target of attacks by extremists and their followers. Representatives of the humanitarian relief organizations and of non-governmental organizations have expressed concern regarding the security of their personnel, particularly the concern that, following the assassination of a UNHCR field worker, renewed attacks against United Nations and other expatriate personnel may be committed.

C. Humanitarian crisis

31. The dimension of the humanitarian crisis facing Burundi is daunting. According to the Special Representative of the Secretary-General, there are approximately 550,000 persons in need of humanitarian assistance in addition to some 250,000 Hutu refugees from Rwanda, as well as 270,000 refugees on the

Zairian side of the border and about another 270,000 persons from Burundi in southern Rwanda; amounting to a total of over 1.3 million persons in need of assistance in Burundi and its vicinity.

32. Representatives of the Majority and the Opposition welcomed an expanded role of the United Nations in diffusing Burundi's humanitarian crisis. In this context, it was noted that the Special Representative of the Secretary-General supported the establishment of an operational airlift capability at Bujumbura for humanitarian relief efforts. This operational base would greatly assist efforts to prevent a repetition of the tragic events that engulfed Rwanda. It would also testify to the readiness of the international community to act responsively in a humanitarian emergency situation. The base would be located at Bujumbura airport and serve as a delivery and distribution centre of humanitarian relief to Burundi, eastern Zaire and southern Rwanda.

V. CONCLUSION AND RECOMMENDATIONS

33. The situation in Burundi demands urgent attention by the international community. The Security Council has a particular responsibility to follow developments in Burundi closely and to recommend measures promoting reconciliation and stabilization of the situation in the country. The two major political forces in Burundi are aware that international attention, as manifested in the mission of the Council, has already had a positive impact on political developments in Burundi and could be a continuing restraining factor for extremists on all sides of the political spectrum.

34. Since the need to sustain and enhance international humanitarian efforts in Burundi and to promote national reconciliation there remains high on the international agenda, the following is recommended:

(a) Continuation by the international community to encourage the establishment of stable democratic institutions in Burundi, including the nomination of a definitive president;

(b) Establishment of an operational airlift capability located at Bujumbura airport for the distribution of humanitarian relief assistance to Burundi, eastern Zaire and southern Rwanda;

(c) Preparation for and convening of an international conference dealing with the crisis and the problems of the subregion;

(d) Provision of immediate assistance to restore the collapsing judicial system of Burundi;

(e) Periodic high-level and high-visibility visits by international officials and representatives to Burundi;

(f) Efforts to induce Zairian authorities to disarm the militia elements and soldiers of the former Rwandese government forces in their territory, and to move them away from the border with Burundi;

(g) Deployment of human rights observers throughout the country, provided there is an improvement in the security situation in Burundi;

(h) Bringing to justice perpetrators of the October 1993 attempted coup d'état and the subsequent massacres, and investigation of violations of international humanitarian law in Burundi as appropriate (possibly by an International Tribunal to be established);

(i) Strengthening of the office of the Special Representative of the Secretary-General for Burundi.

Annex I

Programme of the fact-finding mission of the Security Council to Burundi

Saturday, 13 August 1994

1100 hrs	Briefing by the Special Representative of the Secretary-General, Mr. Ahmedou Ould-Abdallah
1130 hrs	Meeting with the Minister of External Relations and Cooperation, Mr. Jean-Marie Ngendahayo
1300 hrs	Working lunch
1500 hrs	Meeting with Minister of National Defence, Colonel Gedeon Fyiroko
1600 hrs	Meeting with the Prime Minister, Mr. Anatole Kanyenkiko
1700 hrs	Meeting with the Army Chief of Staff, Colonel Jean Bikomagu
1800 hrs	Meeting with the Interim President, Mr. Sylvestre Ntibantunganya
1930 hrs	Cocktail hosted by the Special Representative of the Secretary-General

Sunday, 14 August 1994

0900 hrs	Meeting with representatives of the Majority
1100 hrs	Meeting with representatives of the Opposition
1300 hrs	Working lunch with representatives of non-governmental organizations
1500 hrs	Meeting with members of the Forum of the Negotiations
1600 hrs	Meeting with members of the diplomatic corps
1700 hrs	Press conference

Annex II

List of official contacts

1. Government of Burundi

Mr. Sylvestre Ntibantunganya, Interim President

Mr. Anatole Kanyenkiko, Prime Minister

Mr. Jean-Marie Ngendahayo, Minister of External Relations and Cooperation

Col. Gedeon Fyiroko, Minister of National Defence

Col. Jean Bikomagu, Chief of Staff (Army)

2. Political parties and organizations

Mr. Shadrack Niyonkuru, President, Parti du peuple (PP)

Mr. Ernest Kabusnemeye, President, Rassemblement du peuple burundais (RPB)

Mr. Jean-Marie Ngendahayo, President, Front pour la démocratie au Burundi (FRODEBU)

Mr. Charles Mukasi, President, Union pour le progrès national (UPRONA)

Mr. Cyrille Sigejeje, President, Ralliement pour la démocratie et le développement économique et social (RADDES)

Mr. Vital Kanjoli, Secretary-General, Parti pour le redressement national (PARENA)

Mr. Terence Nsanze, President, Alliance burundo-africaine pour le salut (ABASA)

Mr. Vincent Ndikumasabo, President, Parti social démocrate (PSD)

Mr. Antoine Nijembazi, President, Forum of the Negotiations

Archbishop Simon Namwana, Co-President, Bureau of the Forum of the Negotiations

Mr. Vincent Kubwimana, Co-President, Bureau of the Forum of the Negotiations

3. Diplomatic corps

The mission of the Security Council met with the ambassadors of the following United Nations Member States:

Belgium

China

Egypt

France

Germany

Rwanda

United Kingdom of Great Britain and Northern Ireland

United States of America

Zaire

The mission met also with the representatives of the Holy See and of the European Union.

4. Non-governmental organizations

Mr. Steven Shepelwich, Action-Aid

Ms. Dominique Raffray, International Action against Hunger

Ms. Graziella Godain, ASF France

Mr. Luc Boydens, Belgian Red Cross

Mr. Steve Loegering, Catholic Relief Services

Mr. Charles Bernimolin, International Federation of Red Cross and Red Crescent Societies

Mr. Jacques Godon, International Federation of Red Cross and Red Crescent Societies

Ms. Suen Lampell, International Federation of Red Cross and Red Crescent Societies

Mr. Patrick Girault, Handicap International

Mr. Javier Gabaldon, Médecins sans frontières (Belgium)

Mr. Jerome Delorry, Médecins sans frontières (France)

Mr. Alain Pierre, Médecins sans frontières (France)

Mr. Patrice Richard, Médecins sans frontières (France)

F. Tholly, Médecins sans frontières (France)

Ms. Brenda Hickey, OXFAM (United Kingdom)